

COPY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

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ANUCHA BROWNE SANDERS,

Plaintiff,

-against-

06 CV 0589 (GEL)

MADISON SQUARE GARDEN, L.P., ISIAH
LORD THOMAS, III and JAMES L. DOLAN,Defendants.
-----X

C O N F I D E N T I A L

VIDEOTAPED DEPOSITION OF BROCK WEAVER

New York, New York

Thursday, December 21, 2006

REPORTED BY:

BARBARA R. ZELTMAN

JOB NO.: 11338

**David Feldman**
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2 MR. MINTZER: Objection to
3 form.

4 A Yes.

5 Q And when did that discussion
6 take place?

7 A It was a discussion that
8 occurred at the same time as we had talked
9 about the living arrangements between her
10 and her husband and I had defined for her
11 what her options were as far as what her
12 filing status could be. And I had
13 mentioned to her that I thought that she
14 had the wrong filing status in 2004. And
15 her response was, "Well, I've always filed
16 that way as far as I know."

17 And I told her, I said "you
18 probably need to go back and amend your
19 prior returns."

20 Q And what was her response to
21 that?

22 A It was something along the
23 lines of "I'll check into it" or "I need
24 to check into that."

25 I think her main focus was

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2 deduction. It would not have benefitted
3 her in any way because she was subject to
4 the AMT tax, and that would have been an
5 AMT preference.

6 Q And so would you have had a
7 conversation with her about that in which
8 you would have advised her of that?

9 A Yes.

10 Q And then would you have
11 awaited her direction as to whether or not
12 to list it, in any event?

13 MR. MINTZER: Objection to
14 form.

15 A No. I probably just made the
16 decision myself.

17 Q And with regard to the Direct
18 Marketing data contained on the
19 Schedule C, did you have any discussions
20 with her with regard to what the -- as to
21 whether she had specific concerns about
22 that Schedule C?

23 MR. MINTZER: Objection to
24 form. Asked and answered.

25 The witness has testified

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2 about this.

3 A When I brought the subject up,
4 she was surprised that those expenses were
5 on the return and --

6 What was your specific
7 question about it?

8 Q About any additional
9 conversation that you had with her on the
10 topic of the material contained in
11 Schedule C.

12 MR. MINTZER: Objection to
13 form. Asked and answered.

14 The witness has already
15 testified about this.

16 A She was surprised they were on
17 the return, and she stated to me that she
18 did not have a business.

19 Q Did she tell you that she had
20 never had a direct marketing business?

21 A Yes.

22 Q So she told you that she had
23 no idea how this schedule would have ever
24 ended up on her return?

25 MR. MINTZER: Objection to

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2 form.

3 A Yes.

4 Q Did she offer any explanation
5 as to how such a thing could have
6 occurred?

7 MR. MINTZER: Objection to
8 form.

9 A She said her taxpayer had --

10 Q Tax preparer. You said
11 "taxpayer."

12 A I'm sorry. Her tax preparer
13 had gotten that information from her and
14 she had thought he had just listed them as
15 expenses and her comment was she was not
16 aware that they were going on in this
17 schedule on her tax return.

18 Q So the information that went
19 on the schedule had come from her to her
20 tax preparer; is that what she indicated
21 to you?

22 MR. MINTZER: Objection to
23 form.

24 A Yeah, that's what she
25 indicated.

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2 Q Did she tell you for what
3 purpose she had given that information to
4 her prior tax preparer?

5 MR. MINTZER: Objection to
6 form.

7 A She led me to believe that the
8 tax preparer was asking her questions
9 about deductions and that she had supplied
10 that information but did not have
11 knowledge of where or how they were going
12 to be used as deductions.

13 Q Did she tell you the source of
14 the information that she provided to her
15 tax preparer?

16 MR. MINTZER: Objection to
17 form.

18 A No, she did not.

19 Q Did she indicate to you
20 whether, for example, it was her husband's
21 business?

22 MR. MINTZER: Objection to
23 form.

24 A No.

25 Q But she indicated to you that